Previous references.
Ch 144-09-1-3B
Ch 90-09-1-4B
Ch 271-07-1-4B
Ch 196-06-1-6A
L.R. 276-06-3-5-B
~~Later references.~~
Ch 99-03-1-2B

Later refce
Ch 327-11-1-2
Ch 312-13 (1-3) B

1910 (Court)

File No. 267-10

Serial Nos. 1-6

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1-6

**Part B. for** S.R. 11.

SUBJECT.

Permission to the Amildar Magistrate of Kolar to ~~transfer~~ exercise criminal powers & the transfer of Mr. Srikanteshwara Gowda, Amanuensis to Shimoga

Table of Contents

1. From the Registrar, Chief Court, No 5004 dy 8.5.11.
   Forwards a report of the Dy. Kolar regarding the Criminal work of the Munsiff Magistrate of Kolar & requests that the Amildar of Kolar may be invested with Criminal powers.
2. Do the Regr. Ch. Ct. Rev. Court & Dy Magte Kolar No J 3357-89 dy 2.6.11
   Approves the action of the Dy. Kolar.
3. Do the Regr. Ch. Ct. No J 3357 dy 2-6-11.
   States that further proposals for the transfer of Mr Srikanteshwara Gowda is awaited & requests that his orders in the matter may be furnished.

G. R. S. 58

Regd Secy
Abadoman
1911 (cc

(Regr

4. From the Regr. Ch. Ct. No 419/29 Dt 21.7.11.
Forwards the explanation of the Sirkanderka
Gowda with the opinion of the Ch. Ct thereon
5. To the Compiler Mg. No 3550 Dt. 16-8-11.
Notifies the transfer of Hr. Sirkanderka
Gowda to Shimoga & of Hr. Narasabhayyato
Kolar. Copy to Regr. Ch. Ct. No 3557
6. To the Regr. Ch. Ct. No 3801 Dt 5.9.11
Returns the enclosures to R.4.

Subor. No 14.
3.8.11.

G.R.S. 11] 190–11

GENERAL AND REVENUE SECRETARIAT.

( Courts )

NOTES.

Cts File No. 267-10.

FILE HEADING.

Permission to the Amildar-Magistrate, Kolar Taluk, to exercise Criminal powers.

From

The Registrar, Chief Court.

No. 5004/304. Dated 8.5.1911 Received 10.5.11.

Diary No. 2836 | Enclos. 2 | Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a Copy of Kolar District Magistrate's report regarding the Criminal work of the Munsiff Magistrate, Kolar, and requests that for reasons stated the Amildar of the Kolar Taluk may be permitted to exercise Criminal powers until further orders.

NOTES AND ORDERS.

Subd. Kolar is one of the Taluks in which the Criminal work has been transferred from the Amildar to the Munsiff Magistrate. Mr. M. L. Srikantesa Gowda the present Munsiff

NOTES—First sheet

GPB—15,000—24-4-09.

Serial No.

Magistrate at Kolar is reported to have suddenly left the place availing himself of the Summer vacation, without intimation to, and Consultation with the District Magistrate as to the disposal of a large number of Criminal Cases pending with him. This officer is also reported to be very indifferent to Criminal work which he does perfunctorily without any regard for Rules Regulations and repeated instructions. The District Magistrate has however directed the Amildar of Kolar to take Cognizance of 2nd and 3rd Class Cases and has now sought the permission of Govt through the Chief Court, for the Amildars Continuing to exercise Criminal powers till at least another Capable and willing Munsiff - Magistrate can be transferred there. In supporting this recommendation, the Chief Court states that proposals regarding the transfer of the



GPB—55,000—27-4-11

Serial No.

Said Munsiff will be submitted to Govt after the Chief Conservators after the current Vacation.

(2) Under Govt order No. J 3800-10 -Cts 271-07-4 dated the 24th June 1908, the Munsiff Magistrates were in general permitted to avail themselves of the Annual Vacation of the Civil Courts, the District Magistrates being required to make other arrangements for the trial of Criminal Cases, temporarily during such Vacation. As the arrangement now made by the District Magistrate of Kolar will extend beyond the Civil Courts' recess, the same has to be approved by Govt.

Subd for orders.

Jrcs (122) SN (11)
13.5.11 15/5

B (1) Under the Govt quoted in the last paragraph of the above note the District Magistrates concerned should make the arrangements for the trial of Criminal Cases temporarily during the Vacation. As the period of the Summer

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

Vacation is notified by the Chief Court in the Gazette in good time, the Munsiff Magistrate probably thought that there was no absolute necessity for him to move in the matter. He would perhaps have been well-advised if he had reminded the Dist. Magte about the necessity of making some arrangements for the Conduct of work during the Vacation.

(2) The recess Commenced on the 17th April this year and the Munsiff Magte seems to have despatched the 'bundle' of records on the following day viz the 18th (vide District Magt's letter and his proceedings).

(3) The Munsiffs Explanation does not seem to have been taken for the irregularities mentioned in the District Magt's letter.

The Chief Court recommend that the Amildar may be empowered to try Criminal cases until further orders

17/5/11.

See)

G.R.S. 12 ]
General and Revenue Secretariat.

Ch File No. 267 of 1910-11

Serial No.

6 The amildar Magte may be empowered to try these cases, as well as others as they arise.

2nd Dewan CSB 17/5/11

7 I agree. The Munsif should certainly have shown better regard for the disposal of Crl work. We may however await the proposal of the Ch Ct about him. 17/5/11 SH 17/5/11

18/5/11

11748
22.5.11

8 The present Amildar of Kolar is he interested with 2nd Dewan, In replying to the Chief Court we may say that the personal remarks are unwanted & also request that the Rept re the misconduct Magte may be called for & sent up with the opinion of the Chief Court in regard thereto contained in 7. There have been some personal differences on the part of this same officer. 23/5/11

The Sanction ordered by Court - Memo Enclosed

NOTE—Contn. sheet.

GPB—55,000—27-[illegible]

27/5/11 SH 27/5/11

Serial No.

1(1) Mr. B.C. Krishna Sastry recently reverted from the Simgeni Jaghir Service has been posted to Kolar as an Amildar. He was a 2nd Class Magistrate before he was sent to the said Jaghir. and as Assistant Commr in Charge of the Jaghir, he continued to exercise 2nd Class powers. (Please see LR. 276-06 Sl. No. 5). It is a matter for consideration whether a reinvestiture of the said Amildar with 2nd Class powers is necessary. He has already been in fact exercising those powers and the Director of the 2d Magistrate

Contn 90-03. Sl(2) Hag 96.

Copy 7.

(2) As regards the previous delinquencies on the part of Mr. Srikantesa Gowda referred to in the latter part of the Dewan's minute all that the Office is aware of is about the wrong procedure recently adopted by the Munsiff-Magistrate in having ~~sent~~ summoned certain men of the XX Deccan horse for trial before his Contn. File relating to his transfer from Bangalore to Kolar is also put up. In their letter of 18.10.1909. the Chief Contn

This is before the Dewan.

This cannot be regarded as a delinquency. The Error in procedure was due to ignorance of Standing orders.

Hag 49-5(3)

NOTE—Contn. sheet.

G. R. S. 12 ]
General and Revenue Secretariat.

Cts File No. 267 of 1910–11

Serial No.

When asked whether there was any particular reason to transfer him from Bangalore, said that a more efficient Munsiff than Mr Srikantesa Gowda was required at head quarters

(3) A draft order is put up for approval or other orders.

Secs (122) SN (11)
29-5-11

29/5/11 Sd

Sec'y) Issue the order as revised & embody the other observations in a letter to the Chief Court

Submitted with a draft of a covering letter for approval.

Secs (122)
30-5-11.

(58)
30/5/11

CSB
30/5/11

Sd
30/5/11

9/6/11

No 28 Sec
30/5/11

P. T. C.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 267 — of 1940-41.

| Serial No. | |
|---|---|
| 2. | To the Registrar, Chief Court, Bgs. Comr. and D.C. Magistrate Kolar no J 3356-8 dy 2-6-41. Approves of the action of the D.C. magte in having directed the Amildar of Kolar Taluk to take cognisance of all cases triable by a 2nd class magte in that taluk. |
| 3. | To the Rgr. Chief Court no J 3359 dy 2-6-41. States that further proposals for the transfer of Mr. Srikanteshe Gowda from Kolar are awaited and requests that the explanation of Mr. Srikanteshe Gowda in the matter may be forwarded to Govt. |
| 4. | From the Rgr. Chief Court no 419/29 dy 21-7-41 Forwards the explanation (in original) of Mr. Srikanteshe Gowda with the opinion of the Chief Court thereon. |
| 1 | Subd. for orders. In the opinion of the Chief Court, the Munsiff's explanation for having despatched the records of all the pending Cases to the District Magistrate without any previous intimation is unsatisfactory. They also take objection to the language used by the Munsiff. They suggest that he may be transferred to Shimoga, as he has not [illegible] |
| A.S. (a) 247-41. | |

NOTE— Contn. sheet.

GPB—50,000—12-8-10

9

Serial No.

Malnad Service & that Mr. Narasappaya, Munsiff at Shimoga, whose health has been broken down, transferred to Kolar.

SR(11)
26/7/11

26/7/11

Sec'y. Whatever the merits of the explanation its language is open to serious objection.

The recommendation of the Chief Court to transfer Mr Srikantiah Gowda to Shimoga & Mr Narasappaya to Kolar may be approved & orders issued accordingly.

248 Dewan through 2nd Cr) 26/7/11

I agree with the opinion of the Chief Court generally. It must however be said that the language of the District Magistrate in condemning this Munsiff does not err on the side of moderateness, and gives some room to suspect that he has

27/7/11



GPB—50,000—12-8-10

Serial No.

formed a more favourable opinion about the Magistrate's work and Capacity than ~~the~~ an unbiassed examination of the work would warrant.

2nd I am afraid that a transfer to the Mahad Coming as a Sequel to this Controversy would be viewed as a punishment; and ~~the~~ I think the most that the Munsif deserves is an expression of disapproval on the part of the Gh. Ct & the Govt.

3rd A transfer now would also to some extent interfere with the due despatch of work in ~~one of~~ or both of the Courts. As the Dasara recess is not far off, we may carry out the recommendation of transfer from the reopening after that period.

Drewan

28/7/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

12797
31.7.11

Serial No.

Reg. A

23 The Dewan desires that extracts from Coufl reports regarding the work of this Municipality may be put up.

lw
2.8.11

See)

TVT

(removed from the file)

3/8/11 Sealed with an extract

To-30
3/8/11

Dewan

12864
3.8.11

CBB
3/8/11

25 Please see draft Notfn appd by the Dewan

lw
10.8.11

2nd C

CBB
11/8/11

26 It may issue—

11/8/11

27 Issue

CBB
12/8/11

SD
14/8/11

CD
Return herewith
Chief C

SD
24/8/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

File No. of 19

12

| Serial No. | |
|---|---|
| 5 | To the Compiler, Mysore Gazette No 3550 dt 14th Aug 1911<br>Orders in the interests of the public service the transfer<br>of Mr M. L. Srikanteshe Gowda B.A.B.L from Kolar to Shimoga<br>and Mr M. Narasappayya B.A.B.L from Shimoga to Kolar.<br>Copy forwarded to the Registrar, Chief Court with reference to his letter No 619/29 dt 27-7-11<br>Draft docket to the Registrar returning the Enclosures received<br>with his letter put up.<br>SA (UC) SN (11)<br>25-8-11. |
| 6. | To the Registrar, Chief Court No 3801 dt 5-9-11<br>Returns the original Enclosures received with his letter<br>No 619/29 dt 22nd July 1911 containing the Explanation<br>of Mr M. L. Srikanteshe Gowda, regarding the conduct of<br>certain criminal cases. |

Vide response Gazette Part I page 338 of 7-8-11

B Rec 5/9/11

29 Sept SN

23/9/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

No. 5004 Genl. 304

J 2836

Ch. 7. No-267-10
S.no: 1.

BANGALORE,
Dated 8th May 1911.

From,

The Registrar of the Chief Court of Mysore.

To,

The Secretary to Government,
General and Revenue Departments.

S I R,

I am directed to forward a copy of Letter No. 8684 dated the 1st Instant from the District Magistrate of Kolar and of the Proceedings referred to therein and to request that Government may be pleased to permit the Amildar of Kolar Taluk to exercise Criminal powers until further orders.

I am to add that the question of transferring Mr. Srikantesa Gowda to another station is under the consideration of the Chief Court and that proposals regarding such transfer will be submitted shortly after the Chief Court reopens after the current vacation.

I have the honor to be,
Sir,
Your most obedient servant,

Registrar.

BJ.

2

No 8684
Enc: 1

District Magistrate's Office,
Kolar District,
Dated Kolar 1st /3rd May 1911.

From,

C.Srikantesvara Aiyar, Esqr, B.A., B.L.,
District Magistrate, Kolar District,

To,

V.A.Rajarathna Mudaliar Esqr,
Registrar of the Chief Court of Mysore,
B A N G A L O R E.

Sir,

In forwarding herewith a copy of the Proceedings of the District Magistrate, Kolar, with reference to several pending Criminal records submitted by the Munsiff and 1st class Magistrate, Kolar, with his Kannada Yadi No. 537 dated 15/ 18th April 1911, requesting that they may be transferred to some other Magistrate for disposal owing to the commencement of Summer vacation from the 17th idem, I have the honor to submit as follows:-

2. The Munsiff Magistrate Mr. M.L.Srikantesa Gowda, who had on his file about 24 criminal cases pending, left the place on the 19th April availing of the vacation without any previous intimation to the District Magistrate of the large number of cases that were pending on his file, some bailable and others non-bailable or even so much as consulting him - as other Munsiff Magistrates invariably do and have been doing - as to the disposal of at least those cases in which the accused were in custody and whom he himself without any notice to prosecution or giving them any opportunity of being heard on the subject, has left on bail, while submitting or in anticipation of so submitting the said cases to District Magistrate. Having thus kept back and packed up all the records, he transferred them all

in

in one bundle to the District Magistrate on the 18th ultimo just on the eve of his departure and left the place.

3. Since the arrival of this Munsiff Magistrate to Kolar he has been averse to trying criminal cases, very light as his Civil file is, and his perfunctory, indifferent and irregular way of doing work - in spite of his repeated corrections - and betrayal of want of knowledge of Criminal Law, have frequently been brought to the notice of the Chief Court from time to time on perusal of his Court records and Judgments.

4. Besides, it will be seen from the copy of the proceedings referred to in the 1st para thereof, how the Magistrate has unnecessarily delayed the disposal of some of the Criminal cases or kept back even some of the trivial ones, though there was ample scope for their disposal ere long; and his bundling and sending away all the records - even several of which there was no necessity to do do away with, if he had only realized his position and sense of responsibility in the discharge of public duties - without reserving any of them which might as well have awaited his return, also shows his disregard and unwillingness for Criminal work.

5. In view, therefore, of such obvious unwillingness, utter indifference and heedlessness to Rules, Regulations and instructions and want of knowledge of Criminal Procedure, I would recommend that the Government may be moved to withdraw the Magisterial powers from him.

6. The Treasury Assistant Commissioner and 1st class Magistrate of Kolar has gone on privilege leave and so the only other Assistant Commissioner and 1st calss Magistrate, Malur Sub Division, has to do, in addition to his own work, all the Criminal work of the Treasury Magistrate's Court, besides attending to the Jamabandi, collection and other pressing work. The new Amildar of the Kolar Taluk, who has just assumed charge, has been directed to take cognizance hereafter of all second and

third

4

third class cases arising in Kolar Taluk.

7. Under these circumstances, it is scarcely necessary to add how much inconvenience and trouble the public have been put to by Mr. M.L.Srikantesa Gowda in not previously arranging with the District Magistrate for the dispoaal of the pending cases, a few of which I have had myself to take under the foregoing circumstances of paucity of Magistrates at Head Quarters.

8. As with a Munsiff Magistrate of Mr. M.L.Srikantesa Gowda's stamp, magisterial work at head Quarters will greatly suffer, and the only other Stationary Magistrate is the Treasury Assistant Commissioner. I have also to request that for the more efficient and speedy disposal of Criminal cases here, the Amildar of the Kolar Taluk may be permitted to exercise his Criminal powers again, till at least another capable and willing Munsiff Magistrate can be transferred here.

I have etc:

(Sd) C.Srikantesvara Aiyar

District Magistrate,
Kolar.

---

"Copy"

Registrar.

Proceedings of the District Magistrate, Kolar District.

Dated 29th day of April 1911.

Present :- C. Srikanteswara Aiyar Esq., B.A.,B.L.,

District Magistrate.

---

Read :-

Recods in the following cases on the file of the Munsiff and 1st class Magistrate, Kolar, received with his Kanada Yadi No.537 dated 15th/18th April 1911 requesting the transfer of these cases to some other Magistrate for disposal owing to the commencement of the Court Vacation from the 17th instant.

1. Case No.114 of 1910-11. On entertaining a complaint under section 352, Indian Penal Code,(assault) on 21-3-11 the Magistrate ordered as follows :-

21-3-11 Issue summons under section 352, I.P.C.,to 13-4-11.

13-4-11 With the counter case send the record to the District Magistrate as this Court will be closed for the Summer Vacation from the 17th instant.

Note. On the date of this complaint was lodged, the Magistrate knew the Court Vacation was to begin on the 17th April,and he ought therefore, to have so arranged his Court work as to have disposed of this very simple case of assault,which he should have done even on the 13th or 15th idem instead of ordering the case to be sent to the District Magistrate.

2. Case No.116 of 1910-11. The Police of Kolar Taluk submitted a charge sheet on 24-3-11 under sections359 & 406, I.P.C., against one Chowdiga,Wadder, for having committed theft or criminal breach of trust at Kooteri village. The progress of the case is as follows :-

24-3-11. The accused wants to engage a pleader. Posted to 3-4-1911.

3-4-1911. Mr V. Iyah for the accused says that the case cannot be closed for judgment before Summer Vacation

and

6

and he prays that the accused may be admitted to bail. The accused is a raiyat residing at Parehosahalli. The accused is admitted to bail on the security of Nage Gowda of Irakasandra to the extent of Rs.200/-. The record should be sent to the District Magistrate as the case cannot be heard and disposed of before Summer Vacation.

Note. From this order of the Magistrate, it is clear that the parties and witnesses were ready on the 3rd April 1911. As such he ought to have examined all the witnesses, recorded the statement of the accused, weighed the probabilities of the evidence and then considered the advisability or otherwise of admitting him to bail. Besides, there is nothing on record to show that the prosecution was consulted or had an opportunity of showing cause against bailing the accused. Moreover, being a non-bailable case, it might as well have been submitted to District Magistrate for orders, after recording the evidence &c., as aforesaid, if the Magistrate was unable to dispose of it.

3. Case No.13 of 1910-11. The Police of Kolar Taluk submitted a B report on 15-3-11 in connection with a theft at Jaderi village. Without taking any action whatever till the 15th April 1911, the Magistrate ordered on that date as follows :-

15-4-11. Submit the records to the District Magistrate as this Court will be closed from the 17th instant.

4. Four more complaint petitions were received on the 3rd,4th 13th and presumably 5th April 1911 (the last one bearing no date but the date of the stamp being 5th April 1911). On each of these, the Magistrate without recording the statements of the complainants or following any of the procedure prescribed in the Criminal Procedure Code has merely noted as follows :-

"As the case cannot be closed before the Summer Vacation, the application is submitted to the District Magistrate ".

Note.

7

Note. The procedure adopted by the Magistrate with regard to these complaints received on different dates, is irregular. Soon after the complaint petition was received in person, he ought to have recorded the statement of the complainant, and then passed such order as was necessary according to law.

Sd-. C. Srikanteswara Iyer,
District Magistrate,
Kolar District.

" C o p y ".

Registrar.

B.

2836/34

2 Drill 13

8

G.R.S. 28.]

File No. 267-10

Serial No. 2

*Diary No. of letter replied to*

*Proceedings of the Government of His Highness the Maharaja of Mysore.*

GENERAL AND REVENUE SECRETARIAT.

( cls )

*the* 19

Date of issue 2nd June 1911

Signed by Mr S. Venugamayya

READ-- Letter No 3004 of 3004 8th May 1911 from the Registrar forwarding of the Chief Court, Bangalore the report of the District Magistrate of Kolar,

~~ORDER THEREON.—No.~~

about the unsatisfactory way in which ~~the~~ Criminal work is done by the Munsiff ~~Magistrate~~ of Kolar and requesting for reasons stated that the Amildar of the

over

SUBJECT.

Talukk may be permitted
to exercise Criminal powers

Order thereon, No. J 3856-8/CS 264-11-2 Sg 2-6-11

Govt approve of the
action of the District Magistrate
in having directed the
Amildar of the Kolar Talukk
to take Cognizance of all
~~2nd and 3rd Class~~ cases triable by a 2nd class Magte
arising in ~~the~~ Kolar Talukk,
until further orders

~~(2) The~~ further proposals
promised by the Chief Comb in
in the matter ~~Ris~~ awaited.
The Chief Comb is requested
to obtain and ~~submit~~ forward to
Govt, the explanation of
the ~~Asst~~ Munsiff-Magistrate
in regard to ~~two~~ the Conduct
complained of, along with
their own opinion in the
matter.

CSR

offg Secy to Govt

To The Registrar, Chief Comb with a covering letter.
" Revenue Commr in Mysore
" Asst Commr Kolar

DFO HCS (122)
29-5-11

8/-

10

G.R.S. 26]

Jt-c Circular

Cs File No. 267/10

Serial No. 3

2836/345

*Diary No. of letter replied to*

No. J 3359.

General and Revenue Secretariat

( Cs )

, *the* 19

To

The Registrar of the

Chief Court of Mysore

Date of issue 2-6-11

Signed by for S. Srinivasaraya

Sir,

In Continuation of

Govt Order No J 3356-8 - Cs

267-10-2 dated the 2nd June

1911, regarding the

transfer of the Criminal

work of the Kolar Taluk from

the Munsiff-Magistrate to

the Amildar, I am directed

to state that further

*over.*

SUBJECT.

proposals regarding the transfer of Mr. Srikantesa Sivada to another Station, are awaited. I am also to request that the explanation of the Munsiff-Magistrate in regard to the conduct complained of, may kindly be obtained and forwarded to Govt along with the opinion of the Chief Court in the matter.

I have &c.,

2nd SH.

for Secretary to Govt

Vide orders on the notes.

Dy. C. Hoz (in)
30-5-11

*List of enclosures,*

*Copied by*

*Examined by*

GPB—20,000—26-9-10

No. 419 Enclos: 2 files.
29

12

Chief Court of Mysore,

Bangalore, dated 21st July 1911.

2nd

From,

J263
Ch 267-10-4

The Registrar of the

Chief Court of Mysore.

To,

The Secretary to Government,

General and Revenue Departments.

Sir,

Adverting to your letter No: J 3359 Cts. 267-10-3 dated the 2nd June 1911, I am directed to forwrd in original (to be oblingly returned when no longer required) the explanation of Mr: M.L.Srikantesha Gowda, Munsiff Magistrate of Kolar together with the opinion of the Chief Court in the matter.

I have the honor to be,

Sir,

Your most obedient servant.

REGISTRAR.

M.

Copy.



## Opinion of the Chief Court.

We have gone carefully through the explanation submitted by Mr. M. S. Srikanteshe Gowda in regard to the complaint made against him by the District Magistrate of Kolar in his letter No. 8684 dated the 1st March 1911 and are of opinion that, apart from the merits of the explanation, the Sheriff Magistrate was not right in introducing into his explanation a lot of irrelevant matter and in making use of language, which is not only personally insulting to the District Magistrate, but which implies want of respect to his official superiors.

As regards the merits of the explanation, the Judges wish to observe that they do not feel called upon in the present case to deal with what the District Magistrate has

urged or with the explanation submitted by the Mounsiff Magistrate, in respect of the errors and irregularities committed by the latter in the cases which had been disposed of prior to the date of the District Magistrates letter. All they are concerned with at present is to see whether, on the 18th April 1911, the Mounsiff Magistrate was justified in sending up to the District Magistrate the records of all the cases which were then pending on his file without giving sufficient previous intimation to the latter of his intention to do so. On this point, we are unable to say that the Mounsiff Magistrate's explanation is satisfactory.

In his Yadi No: 498 dated the 28th March 1911, the Mounsiff Magistrate did no doubt make the District Magistrate understand that his court would be

closed for the annual recess on the 17th April following; but all that he then wanted was that one case on the file of his court, namely case No. 95, should be transferred to the file of another Magistrate as he found he could not finish it before the commencement of his recess. No mention was made in that communication of the fact that he had other cases on his file which would also require to be transferred in a similar manner, nor were details furnished as to the number of such cases and the stage of trial which each of them had reached. In the absence of such information, it is difficult to understand how the District Magistrate could have made satisfactory arrangements for those cases being transferred to the court of another Magistrate before the Homsiff Magistrate left Kolar availing himself of his

vacation.

With respect to Case No: 114 of 1910-11, there is not much to be said against the action of the Mounsiff Magistrate, though it must be remarked that the order passed by him on the 13th April that the case be "kept by" because the parties represented that there was a likelihood of its being compromised out of Court, was one not warranted by law.

As regards Case No: 116 of 1910-11, there was apparently nothing to prevent the Mounsiff Magistrate from sending up the records to the District Magistrate immediately after the 3rd April 1911 when he found he could not dispose of it by the 17th April 1911. The same observation applies to Case No: 13 of 1910-11.

The explanation of the Mounsiff Magistrate with regard to

the procedure adopted by him in dealing with the petitions of complaint received by him on the 3rd, 4th, 5th and 15th April 1911, is by no means satisfactory. It was his duty to have made an immediate examination of the complainants and then dealt with the cases in one of the modes prescribed by law. It is argument that, under the proviso to section 200 Cri. P.C., it was competent to him to dispense with the examination of the complainants is unsound, because that exception applies only to the cases of superior Magistrates transferring complaints to Magistrates subordinate to them.

On the question of transferring Mr. Srikantesha Gowda to another station, the Judges are of opinion that it is not desirable in public interests to retain him any longer at Kolar. Should Government agree

that immediate action should be taken, the Judges would suggest that, seeing that Mr. Srikanteshwa Gowda has not put in any Malnad service, he may be sent to Shimoga, and that Mr. Mo. Narasappayya whose health has broken down in consequence of his long service in the Malnad tracts and whose transfer from Shimoga to a healthier station is being repeatedly urged by the District Judge of Shimoga, may be sent to take the place of Mr. Srikanteshwa Gowda at Gokak.

Registrar.

MB.

ab

Cls File No 261-10
Ser No 5 19

Translated
Dr 1/6
1/11/8.

Notfn No J 550 of 16 Aug 11

The following transfers of Munsifs are ordered in the interests of the public Service:-

1. Mr M. L. Srikantaiha Gowda B.A., B.L. from Kolar to Shimoga. To join forthwith

2 Mr M. Narasappaya B.A., B.L. from Shimoga to Kolar. To join forthwith

By order
C.S.B.
11/8/11
Secy

To the Compiler, Mysore Gazette

Memo
Copy forwarded to the Registrar the Chief Court with reference to his letter No. 419/29 of 21 July 1911.

By order.
Secy

vide Mysore Gazette Part I page 338 dt 17-8-11

10 August

11/8/11

Notfn No J 551 dt 16th Augt 11

16/8/11

G.R.S. 26]

File No. 267-00

Serial No. A 6

28/8

*Diary No. of letter replied to*

No. J801 Excel file

General and Revenue Secretariat

( CS )

*, the* 19 .

To

The Registrar

Chief Court

Date of issue 5-9-11

Has the honour to return herewith the

Signed by Mr B Hirigaunaiya

~~papers~~ Enclosures

original ~~enclosed~~ received with his letter

No. 619 dt the 22nd July 1911 containing ~~forwarding~~ the Explanation of Mr M. L. Srikantesha Gowda, ~~Sandy~~ 29

the Conduct of Certain Civil Cases — By order

Sd

for Offg Secretary

DW (J)

25/8/11

Dfb.
SA
25-8-11

~~over.~~

SUBJECT.

Copy
SA
DW